

REMARKS

Claims 38-50, 52, 53 and 59-88 were pending prior to this amendment. Claims 40, 41, 59-65 and 67-88 stand rejected. Claims 40, 41, 63-65, 67, 68, 70, 74, 75, 77-79, 84, 87 and 88 have been amended. New claims 89 and 90 have been added. Claim 66 has been withdrawn. At least in light of the above amendments and forgoing remarks, reconsideration and allowance is respectfully requested.

Election/Restrictions

The Examiner has requested the withdrawal of claim 66, indicating the claim is directed to a non-elected invention.

Claim 66 has been withdrawn.

Claim Objections

Claims 40, 41, 78 and 87 have been objected to because of a spelling informality. Claim 41 has been amended to correct the spelling informality. Claims 40, 41, 78 and 87 now identically spell the word "opaciters."

Claim 70 has been objected to because of a phrase informality.

Claim 70 has been amended.

Claim Rejections – 35 USC § 112

Claims 40, 41, 59-65 and 67-88 have been rejected under 35 U.S.C. § 112, first paragraph under the written description requirement.

First, the present specification explicitly discloses an embodiment that achieves translucency without substantially raised portions such as frosted or embossed portions. *See* page 3, last sentence. A surface without substantially raised portions is substantially smooth and uniform. Second, in FIG. 3 the specification explicitly shows a window having film with a substantially smooth and uniform surface that radially disperses light. Third, the specification discloses a translucent window covering produced by printing varnishes and inks onto a polished surface without any embossing or frosting of the polished surface, which remains substantially smooth and uniform.

The Office Action states that printing multiple colored ink layers clearly produces surface irregularities. The Office Action is taking notice of an alleged fact that is not supported by evidence on the record; therefore, Applicant traverses the Official Notice and submits a CFR 1.132 declaration from the inventor of the present application. *See* Exhibit A.

Claims 40, 78 and 87 have been rejected under 35 U.S.C. § 112, first paragraph under the written description requirement.

The specification discloses that opacifiers may be applied as the final layer on the plastic substrate; however, the specification also states that “the invention has been successfully accomplished using different orders of applications.” *See* page 8, lines 8-11. Thus, the specification has support for printing opacifiers before or after printing ink layers.

Claim 41 has been rejected under 35 U.S.C. § 112, first paragraph under the written description requirement.

Claim 41 has been amended.

Claim 63 has been rejected under 35 U.S.C. § 112, first paragraph under the written description requirement.

The present specification discloses the application of opacifiers and multiple different colored layers in different order. *See* page 8, lines 1-11.

Claims 40, 63, 78 and 88 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 40, 63 and 88 have been amended. Claim 78 does not contain the rejected claim language.

Claims 40, 78 and 88 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants traverse any unsupported factual conclusions used to support the rejection. See Exhibit A.

Claim 67 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 67 has been amended according to the suggestion made by the Examiner.

Claim Rejections – 35 U.S.C. § 103

Claims 40, 41, 60, 61, 63, 64, 67, 74, 75, 78-82, 87 and 88 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberwager (U.S. Patent No. 3,815,263) in view of Holt (U.S. Patent No. 4,127,689) and further in view of Bakker, et al. (U.S. Patent No. 5,959,067).

Claim 40 Specifies Printing Opacifiers Over The Transparent Substrate That In Combination With The Inks Produce A Translucent Image

Applicants claim forming a translucent window covering with an image of a stained glass window by printing inks and also printing opacifiers on a transparent plastic substrate. The combination of opacifiers and inks produces a translucent image that is capable of uniformly and radially distributing light. None of the references alone or in combination teach this feature.

Oberwager teaches a multitude of colored sheets having irregular surfaces adhered together to assemble a sandwich of plastics that simulates stained glass. Oberwager discloses a single method of producing the irregularly surfaced homogeneously-colored pieces of the simulation. See, Col. 4, lines 47-60 citing U.S. Patent No. 3,864,193 (Frierson). The method involves forcing re-ground extruded vinyl and other substances through a narrow slit and onto the homogeneously-colored film. Next, the shredded plastic and other substances are adhered to the homogeneously-colored film via melting forming the irregular and non-smooth homogeneously-colored surface shown on the first page. Thus, Oberwager discloses none of printing an image of a stained glass window, printing opacifiers and producing and the substantially smooth and uniform colored surface.

Oberwager does not suggest omitting the application of the shredded plastics. However, even if there were such a suggestion, Oberwager would still completely fail to disclose the element of printing opacifiers over the transparent substrate that in combination with the inks produce a translucent image.

Holt discloses a self supporting and rigid plastic stained glass simulation. First, inks are printed onto a rigid and self-supporting plastic substrate. Second, a thermofluid composition is deposited on the substrate to simulate the lead lines associated with stained glass. The substrate, the ink and the thermofluid alone do not produce an optically distorting effect; therefore, Holt proscribes five different methods of deforming the surface of the substrate, as shown in FIGS. 1-4. The deformed surfaces are not smooth and do not uniformly and radially diffuse light as shown in Applicant's specification. *See* FIG. 3.

Holt does not suggest omitting the deformation step. However, even if there were such a suggestion, Holt would still completely fail to disclose the element of printing opacifiers over the transparent substrate that in combination with the inks produce a translucent image.

Thus, even if there were a suggestion to combine Oberwager and Holt (which there is not for the reasons Applicant previously explained on the record), the alleged combination does not disclose at least forming a translucent window covering with an image of a stained glass window by printing inks and printing opacifiers on a transparent plastic substrate. Several other features are also missing from the alleged combination, such as a substantially smooth and uniform surface that is structured to uniformly and radially diffusing light.

Modifying the alleged combination of Oberwager and Holt with Bakker does not add any missing elements. Bakker teaches that paint may include 6% by weight of pigments. The pigments are added into the paint when forming the paint and before printing. There is no suggestion to print the pigments either directly on the film or on one or more previously printed ink layers.

In summary, the method of forming a translucent window covering with an image of a stained glass window by printing inks and printing opacifiers on a transparent plastic substrate is novel and nonobvious. For these and other reasons, claim 40 should be allowed. Claims 41, 60, 61, 63, 64, 67, 74, 75, 78-82, 87 and 88 should be allowed for at least similar reasons.

Claim 59 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberwager in view of Holt, further in view of Bakker, et al. and further in view of Chmielnik.

Claim 59 is a dependant claim and should be allowed for at least the same reason as its base claim.

Furthermore, Chmielnik is a non-analogous reference (see MPEP 2141.01(a)) because Chmielnik is not from the field of window coverings (the field of the present invention) and because Chmielnik is not reasonably pertinent to the particular problems faced by the inventor (addressing privacy and aesthetically hiding an unwanted view without blocking illumination.) In other words, one of ordinary skill in the art would not refer to Chmielnik's method of preparing curved metal printing plates when trying to address deficiencies in conventional window coverings.

Moreover, the protective coating used in Boden is applied to the back of a rigid sheet and is not printed on a same side as any ink layers. *See* col. 5, lines 45-52. Thus, there is no suggestion to include the protective coating over or under an ink layer in Oberwager or Holt.

Claims 62, 65, 68 and 83-86 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberwager, in view of Holt, further in view of Bakker, et al., and further in view of Charley, et al. (U.S. patent No. 6,030,002).

Claims 62, 65, 68 and 83-86 are dependant claims and should be allowed for at least the same reason as their base claims.

Claims 64 and 87 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberwager, in view of Holt, further in view of Bakker, et al. and further in view of Boden (U.S. Patent No. 3,562,941).

Claims 64 and 87 are dependant claims and should be allowed for at least the same reason as their base claims.

Claims 69-73, 76 and 77 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberwager, in view of Holt, in view of Bakker, et al, and further in view of Charley, et al. and further in view of Taylor, et al. (U.S. Patent No. 5,672,413).

Claims 69-73, 76 and 77 are dependant claims and should be allowed for at least the same reason as their base claims.

Applicant Incorporates All Of The Remarks Submitted With The Third RCE Into This Response

Applicant previously remarked 1) that there is no suggestion to modify Oberwager with Holt, and 2) even if there were a suggestion, the combination still fails to teach several elements of claim 40 such as the substantially smooth surface feature. *See*, the third RCE dated March 6, 2006. These arguments continue to remain moot because the newly added reference, Bakker, is only relied on to show that paint may include 6% by weight of transparent or non-transparent substances. Therefore, Applicant incorporates all of these remarks into the present amendment.

Support For Claim Amendments

The present specification specifies that varnish or opacifiers may be printed in uniformly distributed dots by using a half tone printing process. *See* page 8, lines 11-16. The specification also discloses that the order of application of the inks and opacifiers may be varied.

Support for the amendments to claim 84 may be found on page 6, last sentence of the second paragraph, “[t]he image is visible from both sides of the [transparent] substrate”. Moreover, the support may be found on page 3 where the present specification discloses an embodiment that achieves translucency without substantially raised portions such as frosted or embossed portions. *See* page 3, last sentence. Since there are no substantially raised portions, the ink is all in a same plane that is parallel to the surface of the plastic substrate.

New Claims

New claim 89 has been added. The subject matter of the new claim is disclosed on page 6, last sentence of the second paragraph, “[t]he image is visible from both sides of the [transparent] substrate” and page 8, first two sentences.

New claim 90 has been added. On page 3 the present specification explicitly discloses an embodiment that achieves translucency without substantially raised portions such as frosted or embossed portions. *See* page 3, last sentence. Since there are no substantially raised portions, the ink is all in a same plane that is parallel to the surface of the plastic substrate.

Interview Summary

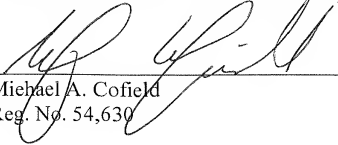
An interview was conducted between Examiner Elena Tsoy and Attorney Michael Cofield on June 20, 2006, in which potential claim amendments were discussed. The Examiner suggested certain claim amendments that would at least necessitate a new search; however, no conclusions regarding allowability were reached during the interview.

CONCLUSION

The application is in condition for allowance and such action is respectfully requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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